UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.57
23 July 1993

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 January 1993, at 3 p.m.

Chairman: Mrs. BADRAN

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GE.93-15173 (E)

The meeting was called to order at 3.10 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 3) (continued)

Initial report of Sweden (CRC/C/3/Add.1; CRC/C/3/WP.7; HRI/CORE/1/Add.4) (continued)

1. The CHAIRMAN invited the Swedish delegation to reply to questions 30 to 35 on the list of issues (CRC/C/3/WP.7), which related to sections II.F (Basic health and welfare) and II.G (Education, leisure and cultural activities) of Sweden's initial report (CRC/C/3/Add.1):

Basic health and welfare

30. Given the high prevalence of allergies, what measures have been taken or are being contemplated to address this serious problem? If possible, please provide data on the other development deviations enumerated (art. 6.2 of the Convention).

31. If possible, please provide data on the relevant indicators used to assess the status of general health in Sweden. Please also provide information on government policy with regard to family planning, abortion, breast-feeding and AIDS. (art. 24 of the Convention).

Education, leisure and cultural activities

32. What is the percentage of GDP allocated to education? What is the literacy rate of Sweden as a whole and as disaggregated between the various ethnic groups?

33. It is stated in paragraph 174 of the report that, although economization measures have been applied, Sweden still enjoys high education standards. Please indicate whether any reviews have been carried out of the effects of these measures and whether the views of students were sought in the evaluation process.

34. Please indicate the findings of the Commission on Curricular Reform, and the action taken as a result.

35. Has there been a quantification of resources committed to the fulfilment of the right of the child to leisure, recreation and cultural activities?

2. Mr. IFVARSSON (Sweden), replying to question 30, said that 1.5 to 2 per cent of children aged 4 in Sweden were estimated to have difficulties in concentrating. Approximately 10 per cent of school-age children had difficulties in reading and writing, and 5 per cent of all children had motor-function and perception problems. Methods for the screening of those problems had been introduced under the national child health monitoring programme. A programme of cooperation between schools and services providing health care for children had also been initiated. An allergy prevention programme was being executed under the auspices of the Institute of Public

Health. The objective was to improve, through information and educational activities, knowledge of the measures to be taken in order to prevent allergies, particularly those related to air pollution, dermatological problems and diet. New regulations had been adopted on the ventilation of buildings.

3. As to question 31, the methods used in Sweden to measure and assess health status provided only a fragmentary picture of the situation. The most commonly used variables were the infant mortality rate and average longevity. The data derived from various central registers, such as the disability register, the miscarriage register and the heart disease register. In the case of children, data on their growth and development were also used. At the national level, the Institute of Public Health conducted marital and sex education campaigns and campaigns aimed at the prevention of abortion, particularly for young people. As to HIV and AIDS, the programme adopted by the Swedish parliament provided for the communication of information to the general public and, in particular, to high-risk groups, support for prevention measures in the areas of drug abuse and delinquency, psycho-social activities and research work. Sweden adhered to the WHO Code on Marketing of Breast-milk Substitute. It kept statistics on maternal breast-feeding and reported regularly to WHO on developments in that area.

4. Replying to question 32, he said that the proportion of GDP allocated to education was 5.7 per cent. The literacy rate was very high. The various reading and writing difficulties mainly affected groups such as intellectually handicapped adults, adults with severe disabilities, immigrants or refugees who had not attended school or had attended school for only a short time, and Swedes who had missed some of their schooling. According to a recent international assessment entitled "Reading literacy" published by the International Association for the Evaluation of Educational Achievement in 30 countries, the percentage of children aged 9 to 14 able to read in Sweden was among the highest in the world. The National Agency for Education had recently undertaken an assessment from which it had emerged that only 0.1 per cent of children aged 11 were unable to read in their own language. In order to help children having particular difficulties with reading and writing, the Government has suggested specific measures as part of the ordinary and further training of teachers.

5. With regard to question 33, it would be noted that the National Agency for Education's main task was to evaluate and develop Swedish schools. The Agency's role was to strengthen the follow-up and evaluation of school attendance and be responsible both for school results and for organization and financial management. It was also called upon to supervise the school system and, in particular, ensure that the municipalities observed the provisions of the law on education which made it mandatory to respect the rights of individuals. The Government had recently issued directives to the Agency on the priorities for the coming three years and, in particular, on priorities for local communities. The specific situation of children in need of special support would be evaluated. The results of the continuing national evaluation by the National Agency for Education would be submitted to the Ministry of Education in September 1993. In the framework of the many evaluation programmes every effort was being made to obtain the views of students.

6. In reply to question 34, he said that the Commission on Curricular Reform had submitted its report in September 1992. In conformity with the directives, a guaranteed minimum number of hours of tuition had been laid down for each subject. The Commission had also endeavoured, in conformity with the directives, to define clearly curricula centred on essentials and based on a clear division of responsibilities. The new curricula suggested would cover ground that was not as broad as in earlier ones but would lay stress on objectives which were viewed from the standpoint of the schoolchildren and which should be capable of evaluation. In the description of objectives, particular stress was laid on the development of responsibilities and the strengthening of the role of schoolchildren, on their ability to voice ethnical views, on their independence and on their capacity for critical reasoning. The objectives concerning schoolchildren after five and nine years of compulsory schooling had been defined. They were, in the first place, objectives laid down for all schoolchildren - minimum standards in a way - and, in the second place, objectives to be achieved to the greatest possible extent. The report of the Commission on Curricular Reform had been sent to a large number of centres, local bodies, schools and organizations for them to comment on the proposals. The report and the comments were currently being examined at the Ministry of Education. It was expected that a bill would be submitted to parliament early in the spring of 1993.

7. In reply to question 35 concerning the amount of resources committed to the fulfilment of the right of children to leisure, recreation and cultural activities, he said that the municipalities devoted 8,000 million Swedish kronor to that end and that the State Youth Council had requested an allocation of 110 million kronor, in the draft budget for 1993. The other bodies which had received financial resources for the same purposes were the National Council for Cultural Affairs and the National Child Environment Council.

8. Mr. MOMBESHORA said he was convinced that considerable efforts had been made to promote public health in Sweden. Question 30 dealt primarily with allergies, which were probably connected with environmental problems. He would like to know whether there existed any legislation on the control of environmental hygiene (air pollution, water pollution, etc.). With regard to dental care, did tap water contain fluorine? If it did not, were there any reasons for that situation? Was there iodine in all types of salt sold in shops or were iodized salt and non-iodized salt both available? Lastly, the media had recently drawn attention to the danger of epileptic fits due to video games. Did Sweden propose to undertake research in that field in order to determine whether that was correct and to regulate, if need be, the use of those games?

9. Mgr. BAMBAREN GASTELUMENDI said the information given was very interesting, particularly on health and education, and congratulated Sweden on its efforts and the progress made in those areas. He would welcome information on legislation concerning abortion and on the educational activities conducted on the subject. He welcomed the developments in the area of family planning in Sweden. Bearing in mind the educational activities, and sex education in particular, family planning should be more the responsibility of couples and less that of the State. With regard to disabled children, the report of Sweden noted interesting progress. In paragraph 147 of the report,

reference was made to special draft legislation to be submitted in the course of autumn 1992 for the purpose of entitling persons with extensive functional disabilities to the necessary support and services. Had that draft legislation been adopted by parliament? And what was the State Inheritance Fund, from which resources were allocated to disabled youngsters (para. 146 of the report)? Lastly, what progress had been made since the adoption of the Convention on the Rights of the Child concerning the rights of disabled persons?

10. Mrs. SANTOS PAIS pointed out that, under article 23 of the Convention, States were encouraged to promote the autonomy and active participation of disabled children in the life of the community. Several paragraphs of the report bore witness to Sweden's determination to ensure that disabled children benefited from the same living conditions as other members of society. She would like to know whether any specific activities were carried out to make the Convention known and understood by disabled children, in particular blind and deaf children. That could help them to participate effectively in the life of the community.

11. Mr. IFVARSSON (Sweden), replying to Mr. Mombeshora's questions, said that allergies were undoubtedly closely linked with environmental problems. Sweden had done much for the protection of the environment in general and it was therefore particularly disappointing to see allergy problems increasing among children. The Institute of Public Health, which had been established very recently, was carrying out an important allergy prevention programme. That question was being followed closely and the Government was on the point of proposing a law on the reduction of the use of tobacco, in particular in places where there were children. It was clear that smoking - whether active or passive - encouraged allergies. With regard to dental care and in particular the prevention of decay, Sweden had achieved remarkably successful results, inter alia, by encouraging the use of fluorine tablets and fluorinated toothpastes. The question of introducing fluorine into tap water had been under consideration for a number of years but had given rise to controversy. Sweden was not very much in favour of introducing into drinking water various types of chemical products, even if they were good for health. Furthermore, in certain regions, natural tap water already contained sufficient fluorine and so there could be problems of overconsumption. As for iodine, both iodized salt and non-iodized salt were to be found in Sweden but it was essentially the first that was consumed. The position of Swedish specialists on video games was for the time being that there could be some minor risk for children predisposed to epileptic fits. The Government did not for the moment envisage any express control over such games, but was following the situation very closely. Cautionary notices would probably be inscribed on those games.

12. In reply to the question by Mgr. Bambaren Gastelumendi concerning abortion, he explained that the right of abortion existed in Sweden, but the Government was striving with great determination to keep down the number of abortions by providing counselling, sex education and family planning services particularly aimed at young people. The Institute of Public Health also carried out programmes in that area.

13. Mr. HAKANSSON (Sweden) added that the law on abortion had entered into force in 1975. It stipulated that a woman who, after careful consideration, arrived at the conclusion that abortion was the most appropriate solution for the problems she would face as a result of an unwanted pregnancy, was entitled to abortion. In principle, a pregnant woman could decide to resort to abortion up to the eighteenth week of pregnancy. Nevertheless, if abortion was to take place after the twelfth week, an advisory service had to intervene. After the eighteenth week, abortion was no longer possible except under certain conditions, in particular if there was an imminent danger to the woman's health.

14. Mr. IFVARSSON (Sweden), replying to the question by Mgr. Bambaren Gastelumendi concerning disabled persons, said that the draft legislation mentioned in Sweden's report would probably be submitted to parliament in February 1993 and should be the subject of a decision in the spring of that year. There would probably be a large majority in favour of it and the law should enter into force on 1 January 1994. That legislation would involve a very important and very costly reform, bearing in mind Sweden's present economic difficulties. The services to the disabled provided for in the bill would involve expenditure of approximately 2,000 million kronor a year. The law would benefit both adults and children, and in particular mentally handicapped children. The National Inheritance Fund was managed by the State. It was financed by resources proceeding from persons without any direct heirs who died intestate. It was used to support various activities for the benefit of children and disabled persons. Its resources served in particular to help NGOs to carry out projects benefiting children or disabled persons. Sweden had also resolutely supported from the start the formulation of standard international rules concerning disabled persons. They should be submitted to the General Assembly of the United Nations at the end of 1993 and make it possible to strengthen the quality of activities in aid of disabled persons throughout the world.

15. Mr. HAKANSSON (Sweden), replying to a question by Mrs. Santos Pais, said he understood that part of the resources of the National Inheritance Fund allocated to NGOs had been used to disseminate the information supplied by the organizations of disabled persons in the context of seminars on the Convention in particular.

16. Mgr. BAMBAREN GASTELUMENDI said he regretted the lack of statistics on the health and education of disabled persons and asked whether Sweden could submit shortly all that information and include it in an annex to its report.

17. Mr. IFVARSSON (Sweden) replied to questions 36 to 40 relating to part H.1 of the report: Special protection measures/Children in situations of emergency.

> 36. Please describe the results of the queries referred to in paragraph 210 of the report, concerning the conformity of the placement of refugee children without custodians vis-à-vis the relevant provisions of Swedish law, and the conformity of handling procedures with article 22 of the Convention on the Rights of the Child. To what extent are these children provided with legal representation?

37. Please indicate the findings of the review conducted by the Immigration Board during 1992 on the activities at refugee residential centres designed to further improve the care and psychological recovery of refugee children? (para. 208 of the report)

38. Since the handling of issues related to refugee children is rather difficult, what special competence do the staff possess?

39. Please provide information on the impact of the rehabilitation measures provided for children suffering from trauma due to armed conflicts.

40. It is noted that a special national emergency plan for the care of children in the case of natural disasters or war has been prepared by the Government. The Committee would appreciate being informed of the details of the plan.

18. In reply to question 36, Mr. IFVARSSON (Sweden) said that the Board of Health and Welfare had formulated directives on the placement of refugee children without custodians. The reception centres were designed as small family institutions in which those children lived with other children who shared a similar background and originated from the same country. Some years previously, only 50 per cent of refugee children had been placed in an institution. In 1989-1990 a total of 1,300 children were estimated to have arrived unaccompanied in Sweden.

19. In reply to question 37, he explained that in 1992 the Immigration Board had undertaken to prepare new directives on the activities offered to children and young people at reception centres. Those directives would enter into force on 1 July 1993 and were mainly aimed at providing children and young people with all the support and encouragement necessary to ensure their personal development and help the parents to perform their parental role more effectively. It was explicitly mentioned in those directives that the spirit of the Convention must be respected.

20. In reply to question 38, he explained that the Immigration Board had expressed the wish that all personnel called upon to deal with asylum-seekers, and children in particular, should have special training. They should consist of both men and women. The Board had undertaken to give its personnel training in that area. Training courses would be organized in cooperation with the "Save the Children" organization. All the staff called upon to work in reception centres for refugee children had to have a basic knowledge of child and youth psychology. Some of the staff had recently taken a 10-week training course and personnel without the necessary skills would have an opportunity to take similar courses shortly.

21. In reply to question 39, he said that the National Board of Health and Welfare had been entrusted by the Government with the task of setting up a training programme for persons called upon to deal with refugee children suffering from trauma due to armed conflicts. That programme was currently under way, and so it was too early to evaluate the results. The Red Cross in the city of Malmö administered three rehabilitation centres intended for refugee children who were victims of psychological trauma, in cooperation with

dispensaries concerned with psychiatric care. The Red Cross enjoyed the financial support of the National Inheritance Fund for that activity. All those activities were still too recent for an evaluation of their results to be made.

22. In reply to question 40, he explained that a national report had been published by the National Board of Health and Welfare. It was not a national emergency plan proper, but it did cover measures of a psychological and psychiatric character which had to be taken countrywide in the event of national disaster or war. The plan was aimed at giving children the possibility to express their traumas due to those situations and helping parents to adopt an open and responsible attitude towards their children. The National Board had also published another report which examined the problems connected with the care to be given to children in the event of war.

23. He proceeded to deal with questions 41 to 46 concerning part H.2 of the report: Children in conflict with the law.

41. Please clarify the status and function of the proposed "standing court" for suspected young offenders.

42. Please given results of the experimental scheme for simpler or more flexible cooperative procedures between authorities in matters concerning young offenders.

43. Are separate facilities provided for young psychiatric patients as opposed to adult patients?

44. Please specify the situations under which, according to the law, children may be deprived of their liberty through arrest, detention or imprisonment, and explain the compatibility of such action with article 37 (b) of the Convention, which considers that such measures should only be used as a last resort.

45. In view of the provision contained in article 37 (d) of the Convention, please provide information as to whether the child is given the right in all situations to challenge the legality of its deprivation of liberty before the Court or other competent, independent and impartial authorities?

46. With reference to the placement of children in "special approved schools" (paras. 99, 225 and 233), please provide further information on:

(a) how it is ensured that in such placement procedures children involved in criminal activities benefit from the safeguards contained in article 40, paragraph 2, of the Convention;

(b) the laws under which the views of the child (in the light of article 12 of the Convention) are taken into consideration in such procedures;

(c) what preventive measures, if any, are taken into account in such procedures.

24. In reply to question 41, he explained that a government commission on young offenders was at present contemplating the possibility of setting up a permanent court to deal with suspected young offenders. He hoped to be in a position to give more information on that court and its mode of operation by the end of June.

25. In reply to question 42, he said that the National Council for Crime Prevention had completed its evaluation and concluded that it was not necessary to amend the existing legislation in order to introduce greater flexibility into the cooperation procedures between the authorities entrusted with matters concerning young offenders. That question, like the previous one, was still under examination within the commission on young offenders, which would be submitting its report at the end of June 1993.

26. In reply to question 43, he confirmed the existence of separate facilities for young psychiatric patients and for adult patients.

27. In reply to question 44, he explained that the minimum age of criminal liability in Sweden was 15 years. Custodial sentences could not be handed down before the age of 18 except for very grave reasons. Moreover, a person aged under 18 might not be arrested if it was felt that a supervision measure was sufficient. The Swedish Aliens Act specified that a child could not be arrested unless circumstances rendered such action absolutely essential - for example, if it was likely that he would be refused admission to the country or would be expelled under specific provisions, or if the question arose of the implementation of an expulsion or exclusion order. Since 1 January 1993, execution of Swedish legislation on that question had become increasingly restrictive.

28. In reply to question 46, he said that on the day of the arrest of the child or on the next day at the latest, the public prosecutor had to apply to the court for a pre-trial custody order. On the same day or on the day following receipt of that request, the court had to hear the minor. The child always had the possibility of challenging the decision of the court relating to custody.

29. In reply to question 46, he said that the main function of the "special approved schools" was remedial. Young persons placed in those institutions needed both care and special supervision. However, most of them had not committed any offence. The law specified the measures to be taken and the conditions under which they might be taken. The measures were taken only when necessary in order to provide special care or to prevent harm to other young persons or staff. The approval of the governmental authority or the National Board of Health and Welfare was always required for execution of those measures.

30. The CHAIRMAN asked the members of the Committee whether they wished to put any further questions or make any comments on the set of issues considered at the previous meeting and at the present meeting.

31. Mr. KOLOSOV said he wished to ask two questions. First, were there in Sweden any courts for juveniles and any judges specializing in children? And secondly, he would welcome clarification of paragraph 44 of the report, from

which it was apparent that children aged under 18 might be liable for military service. That point was not clear since the age of majority in Sweden was 18 and not 17. He failed to understand the position since Sweden was one of the countries which were campaigning for the raising of the minimum age for military service. He would also welcome clarification concerning the "total defence establishment" in which children aged 16 could serve and in that connection wished to know whether Sweden was contemplating amending its legislation, which ran counter to the spirit of the Convention.

32. Mrs. SANTOS PAIS said that she could not understand in practical terms the situation of children in conflict with the law in Sweden and therefore wished to ask three questions. First, with regard to the Aliens Act and on the basis of paragraph 102 of the report, she wished to know whether any measures had been contemplated to ensure that the children of asylum-seekers benefited from the human rights or humanitarian rights recognized in article 22 of the Convention on the Rights of the Child. Secondly, with regard to the law on young offenders, she asked in what situation a defendant under the age of 18 who was liable to a penalty other than a fine had a defence counsel appointed for him, and wished to know who decided whether such assistance was necessary. Such a decision could, in her view, have an unduly subjective character and reduce the impact of the Convention. Lastly, regarding the question of imprisonment of young offenders with adults, she noted that the report (para. 231) stressed the negative consequences of separation for convicted young offenders but was silent regarding the best interest of the child as set forth in article 37 (c) of the Convention. She asked whether, taking into account that principle and article 40 (3) and (4) of the Convention, it would not be possible to envisage some other solution to that problem.

33. Mr. GOMES DA COSTA said he would welcome further information on the general functions of the municipal social welfare committees and wished to know in particular what role they played in helping children in an emergency situation or in conflict with the law. He would also like to know how long those committees had existed. And what specific measures were being taken with regard to children in conflict with the law and, more particularly, children who committed offences? Did the social services mentioned in the report apply only to children aged under 15 or also to young persons aged between 15 and 21? With regard to specialized institutions, he asked whether there existed in Sweden a body responsible for training staff called upon to deal with young offenders. As to the National Council for the prevention of juvenile delinquency, he wished to know its composition and precise functions. Lastly, he would welcome information on the special training received by police officers who worked with young offenders.

34. Mrs. EUFEMIO asked why it had been decided to entrust to the State responsibility for the homes for young persons mentioned in paragraph 223 of the report and which had until then come under the municipal and county council authorities. She also wished to know whether the bill on the subject, mentioned in the same paragraph, had been adopted.

35. The meeting was suspended at 4.20 p.m. and resumed at 4.55 p.m.

36. Mr. HAKANSSON (Sweden), replying to a question by Mr. Kolosov, said that in Sweden there were no special juvenile courts. Cases concerning juveniles were tried by the same courts as other criminal cases, whether in the lower courts on appeal or in the Supreme Court. It should be pointed out, however, that, in the lower courts and on appeal, cases concerning minors were tried by a judge assisted by three assessors who were not jurists but specialized in questions relating to young persons. While in the large cities there were in certain courts judges who dealt solely with cases concerning minors, they did so only for practical reasons.

37. He explained with regard to military service (para. 44 of the report) that the armed forces could in theory enlist a person aged 17 but in practice they had never done so. In that connection Sweden would have wished the Convention to prohibit enlistment in the armed forces for persons under 18 years of age. At the beginning of the last sentence of paragraph 44, the expression "the total defence establishment" should be replaced by "the civil protection services". Young persons who worked in those services did not perform any military activity.

38. Mr. LINDQUIST (Sweden), replying to a question by Mrs. Santos Pais on the placement of child asylum-seekers in provisional custody, stressed that Sweden was one of the European countries which in recent years had received the largest number of refugees in proportion to its population. If it wished to continue its policy of openness, Sweden had to grant refugee status only to persons that were entitled to it in conformity with the relevant international instruments.

39. An asylum-seeker aged under 16 could only be held in custody in two cases: first, when an expulsion order with immediate effect had been issued against him or her, and possibly his or her family, in the three months following arrival in Sweden; secondly, when the supreme administrative tribunal had decided on his expulsion. In the latter case, however, the minor was only held in custody if he refused to appear before the police at regular intervals or went into hiding in order to evade the decision of the court.

40. Children were detained under conditions that were as good as possible and were entrusted to experienced staff. During the previous budget year, 83 per cent of children who had been placed in custody had been held for three days or less. Under the new legislation which had entered into force on 1 January 1993, the maximum duration of provisional custody was 72 hours, which could be extended only once in exceptional circumstances. Lastly, it should be specified that a child placed in custody must be accompanied by at least one of the persons having parental authority over him. During the previous budget year, there had been only one or two cases in which an unaccompanied child had been placed in custody.

41. Mr. HAKANSSON (Sweden), replying to a question by Mrs. Santos Pais on the legal assistance to which young offenders were entitled under article 40 of the Convention, confirmed that a lawyer must be appointed as a matter of course to a person under the age of 18 who was liable to a penalty other than a fine (para. 217 of the report). If a minor under the age of 18 was liable only to a fine, he could nevertheless request the court to appoint a lawyer

for him. If the court refused, he himself would have to pay for a lawyer of his choice; the same applied if he decided to retain a lawyer other than the one appointed by the court.

42. Mrs. GYNNA-OGUZ (Sweden), replying to a question by Mrs. Santos Pais relating to article 37 (c) of the Convention whereby every child deprived of liberty must be treated in a manner which took into account the needs of persons of his or her age, said that at present approximately 4,000 children aged between 15 and 18 were the responsibility of the social welfare committees within or outside specialized institutions and that only 10 or so young persons under 18 were at present in local prisons, where adults who had committed serious offences were not detained. If a special prison to house those 10 young offenders were to be built, it would make contacts between them and their families very difficult and complicate considerably the work of the social welfare committees responsible for them. Those committees were responsible for meeting the needs of those young persons, in particular in the matter of education and health and preparing for their reintegration into society.

43. Mr. IFVARSSON (Sweden), in reply to a question by Mr. Gomes da Costa, said that every municipality must have a social welfare committee responsible for overseeing the welfare of minors. Those committees consisted of municipal councillors, generally about 10 in number, and were in particular responsible for children's institutions and for the follow-up of children who had been adopted. They were also empowered to take measures to prevent juvenile delinquency. Replying to another question by Mr. Gomes da Costa on the National Council for the prevention of juvenile delinquency, he said that that body consisted of members of parliament who worked in close cooperation with research workers specializing in that question, in order to develop methods of prevention. As to law-enforcement personnel, they were taught elements of child psychology, in particular in police colleges; nevertheless, it must be admitted that further efforts were required in that field.

44. Mr. HAKANSSON (Sweden), replying to a question by Mr. Gomes da Costa on the custody of minors, said that such custody was ordered only in the last resort. As far as possible, the public prosecutor or even the court itself, referred to the social services a minor who had committed a criminal offence. The court could also sentence a young offender to pay a fine or to perform community work. It could also release him subject to supervision.

45. Mr. IFVARSSON (Sweden), replying to the question about the State's assumption of responsibility for the institutions for children in need of special care which had until then been under the authority of the municipalities, confirmed that parliament had decided to set up a National Council which would be entrusted, above all else, with ensuring that young people had available specialized institutions where they would receive the care they needed. The Council would enter into operation on 1 July 1993. The transfer of responsibility was due to the fact that certain municipalities were too small and could not afford a high-quality institution and qualified staff. In addition, there was a tendency on the part of the courts in certain cases to sentence a young person to a penalty of imprisonment rather than send him to a specialized institution directed by a municipality, considering that the treatment provided in those institutions was inadequate. He stressed that

the new National Council would work in close cooperation with the municipalities and local authorities, and that certain municipalities which possessed good specialized institutions would be able to administer them on a contractual basis.

46. Miss MASON requested clarification concerning the training received by law-enforcement personnel dealing with children and asked to what extent that training was put into practice. She noted that social workers played a role in the administration of justice for minors but only acted when a minor was the subject of judicial proceedings. She wanted to know whether law-enforcement personnel availed themselves of the training they had received in order to prevent juvenile delinquency and to treat young offenders without resorting to judicial proceedings, in conformity with the provisions of article 40 (3) (b).

47. Mrs. GYNNA-OGUZ (Sweden) explained that social workers did not simply intervene when young persons were brought before a court, but also cooperated with the police.

48. Miss MASON asked what role was played by the police in prevention and whether law-enforcement personnel availed themselves of the training they had received in the area of juvenile delinquency in order to deal with young offenders and avoid having to resort to the judicial system.

49. Mrs. GYNNA-OGUZ (Sweden) explained that it was the social services which were responsible for prevention, but they sometimes cooperated with the police.

50. Mr. HAKANSSON (Sweden) explained that, in the event of an offence being committed, the police undertook the investigation work, following which the public prosecutor could decide to drop the proceedings and caution the child before handing him over to the social services. The police sometimes visited schools to inform young persons of the dangers they ran if they broke the law; in that connection they worked in cooperation with the social services.

51. Mr. IFVARSSON (Sweden), turning to a question concerning drug addiction, stressed that the Institute of Public Health centred its activities on prevention by organizing courses, seminars and lectures at the local level. The State contributed financially to the introduction of preventive measures centred as a matter of priority on drugs, on help to the children of drug addicts, on information in schools and on primary health care.

52. In reply to the question relating to sexual exploitation and sexual abuse, he said that the perpetrators of those acts who suffered from mental disorder or emotional instability could, while in custody, undergo personal psychotherapy or treatment with medicines. However, they could not be compelled to receive treatment against their will. As to child victims, they had to be taken in charge by qualified personnel. In that connection, the Government allocated funds to the National Board of Health and Welfare for training in that field. In the large towns and cities, teams consisting of psychiatrists, psychologists and social workers were being formed and worked in cooperation with the local social services and sometimes doctors. Children who had been victims of sexual exploitation or sexual abuse were sent to

clinics, to hospital services specializing in child psychiatry or to other specialized institutions. On the question of research aimed at increasing knowledge regarding sexual exploitation and abuse, he explained that a number of studies had been made on that question and could be consulted by anyone working in that field. The National Board of Health and Welfare received 2 million Swedish kronor a year in support of projects aimed at improving knowledge relating to sexual exploitation and abuse and developing appropriate treatments for child victims. The Board had published general recommendations intended for social workers and medical personnel.

53. Mr. MOMBESHORA, referring to paragraph 254 of the report of Sweden (CRC/C/3/Add.1), considered that until an age limit of 18 was set, there was a danger that children would continue to be exploited for the production of pornographic material. He would like to know the present status of the review of the provisions of the Penal Code concerning the offence of pornography involving children. And lastly, were there any legal provisions which restricted the free dissemination of pornographic material in newspapers, magazines and television broadcasts?

54. Miss MASON said that she too would welcome clarification of the information contained in paragraph 254 of Sweden's report. In particular, she wished to have an explanation of the two reasons invoked to justify the absence of an age limit in Swedish legislation with regard to pornographic exploitation, namely: the desire to avoid further interference in the child's privacy and the fact that serious difficulties of evidence would be involved.

55. Mgr. BAMBAREN GASTELUMENDI observed that Swedish law was much more precise when laying down the minimum age for purchasing alcohol in a State retail outlet (20 years) than with regard to sexual exploitation, where reference was made only to "sexual maturity". He would like to have additional information on the penalties established in the Penal Code for sexual exploitation and sexual abuse. Lastly, he understood that the age from which a person could live with another of the same sex had been lowered from 18 to 15 years and pointed out in that connection that, in accordance with the Convention, a person aged 15 was still a child. He would welcome clarification of that point.

56. Mrs. EUFEMIO requested information on sexual exploitation of male children and on incest in Sweden.

57. Mr. HAKANSSON (Sweden), explaining the reasons for the absence of an age limit in Swedish law, pointed out that if the age limit was set at 18 and proceedings were initiated against someone who had disseminated pornographic photographs, it would be necessary to prove that the person who had been photographed was less than 18 years old. However, most of the pornographic material in Sweden was imported from countries in the third world, and it was very difficult to assemble the necessary evidence. He acknowledged, however, that the absence of an age limit in Swedish law was a matter for discussion.

58. Turning to the question concerning homosexuality, he confirmed that homosexual relations were authorized between consenting persons aged over 15. That said, an older person had no right to take advantage of the immaturity of

a person of 15 or so in order to have sexual relations with that younger person, whether heterosexual or homosexual. As for incest, it was considered as an offence and hence forbidden.

59. Mr. IFVARSSON (Sweden) said that the Swedish authorities had expressed great concern about the increase in the number of cases of incest, and felt that society must do everything possible to combat that type of relationship and come to the assistance of its victims.

60. Mr. HAKANSSON (Sweden) explained that any person who used children to produce pornographic material was liable to a maximum penalty of six months' imprisonment. Any sexual exploitation of minors was punishable by up to four years' imprisonment and any serious sexual offence by eight years' imprisonment.

61. The CHAIRMAN expressed satisfaction at the constructive dialogue which had been established between the Swedish delegation and the Committee. She thanked members of the Committee for the interest they had shown in the situation regarding the rights of the child in Sweden and congratulated the representatives of Sweden on all the explanations they had given.

The meeting rose at 6.05 p.m.